

JS 44 (Rev. 08/16)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Robyn A. Roldan

DEFENDANTS

VisionQuest National, Ltd.

(b) County of Residence of First Listed Plaintiff **Franklin**

(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Scott M. Pollins, Pollins Law, 800 Westdale Avenue, Swarthmore, PA 19081, 610-896-9909

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTIONCite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
FMLA, ADAAA and Title VII

Brief description of cause:

Wrongful termination due to violations of FMLA, ADAAA, Title VII, 42 USC Section 1981 and PHRA

VII. REQUESTED IN COMPLAINT:
☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$:

Unliquidated

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

5/4/17

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ROBYN A. ROLDAN	:	
Plaintiff	:	CIVIL ACTION NO.
	:	
v.	:	JURY TRIAL DEMANDED
	:	
VISIONQUEST NATIONAL LTD	:	
Defendant	:	

COMPLAINT

I. INTRODUCTION

1. Plaintiff, Robyn A. Roldan (Roldan), brings this action under the Family Medical Leave Act (FMLA), 29 U.S.C. § 2611, *et seq.*, the Americans with Disabilities Act of 1990, as amended, 42 U.S.C.A. § 12101 *et seq.* (ADAAA), Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000(e), *et seq.*, as amended by the Civil Rights Act of 1991 (Title VII), 42 U.S.C. § 1981, and the Pennsylvania Human Relations Act, 43 P.S. § 951 *et seq.* (PHRA). Roldan seeks back pay, front pay in lieu of reinstatement, compensatory damages (under the ADAAA, Title VII, Section 1981 and PHRA only), punitive damages (under the ADAAA, Title VII and Section 1981 only), liquidated damages (under the FMLA only), interest, negative tax consequence damages, and attorney's fees and costs (including expert witness fees) from Defendant, VisionQuest National Ltd. (VisionQuest).

II. JURISDICTION AND VENUE

2. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 1331 and 1343, the ADAAA, Title VII, Section 1981 and the FMLA. Furthermore, VisionQuest's conduct with regard to Roldan violated the PHRA, and the pendant jurisdiction of this Court is invoked to remedy those violations.

3. The unlawful acts and practices of VisionQuest were committed within or upon the direction of VisionQuest's agents, servants, employees and/or representatives within the Middle District of Pennsylvania.

4. Roldan has exhausted all remedies available to her as set forth in the ADAAA and Title VII by timely filing a complaint with the Pennsylvania Human Relations Commission (PHRC). That complaint was dually filed with the EEOC.

5. The EEOC issued a Notice of Right to Sue on March 31, 2017 and this complaint is filed within 90 days of Roldan's receipt of the EEOC's notice.

III. PARTIES

6. Roldan is a black female and she resides in Chambersburg, PA.

7. Defendant, VisionQuest, is an Arizona corporation and is a national provider of juvenile rehabilitation services. VisionQuest maintains a corporate office in Tucson, Arizona and has maintained facilities in Pennsylvania located at Rocky Mountain Road, South Mountain, Franklin County, PA and at Warfordsburg, Fulton County PA (referred to as 'Breezewood' facility). Upon information and belief, VisionQuest runs additional facilities in Pennsylvania and in eight other states.

8. At all material times hereto, VisionQuest acted through its employees, agents, or representatives who were acting within the course and scope of their employment and authority.

IV. FACTUAL BACKGROUND

9. VisionQuest employed Roldan initially as a child care worker supervisor and subsequently as a Title I instructor from October 2012 through May 2015.

10. Roldan worked at VisionQuest's South Mountain facility from October 2012 through approximately January 2013 and at the Breezewood facility from approximately February 2013 through May 2015.

11. On February 23, 2015, Roldan was in a car crash. As a result of the crash, Roldan suffered serious injuries to her neck and back.

12. On February 24, Roldan's husband Justino Roldan contacted VisionQuest and spoke with his wife's supervisor, Alicia Duff, Principal and School Director, white. Mr. Roldan informed Ms. Duff that his wife was in a car crash the night before and would be out of work.

13. On February 25, Roldan emailed Ms. Duff to ensure she knew that Roldan had been in a car crash. Roldan attached a doctor's note to her email and a photo of her car.

14. Later on February 25, Ms. Duff emailed Roldan to confirm she knew that Roldan had been in a car crash and she received the doctor's note.

15. On February 27, Sarah Sandoval, Risk Management Assistant, issued a Notice of Eligibility and Rights & Responsibilities to Roldan informing her that she was eligible for an FMLA leave of absence due to her own serious health condition.

16. Roldan subsequently provided a completed Certification of Health Care Provider for Employee's Serious Health Condition and VisionQuest Employee/Patient Physical Capabilities sheet from Dr. Michael Demarco. The physical capabilities sheet detailed Roldan's physical capabilities.

17. On April 24, Roldan emailed Ms. Sandoval a note from Dr. Demarco stating that she may return to work with light duty recommendations within two months.

18. Later on April 24, Ms. Sandoval requested clarification regarding Dr. Demarco's light duty recommendations. On approximately April 27, Roldan emailed Ms. Sandoval another note from Dr. Demarco. The note stated as follows:

Robyn A Roldan is under my care and has been advised to follow the recommendations below:

- May return to work with light duty recommendations: duration 2 months
- No physical restraints
- No excessive walking
- No lifting greater than 10 lbs

Please call the office at the number above should you have any questions.

19. On April 28, 29 and 30, Roldan left voice mails for Ms. Sandoval to inquire about the status of her returning to work. Ms. Sandoval did not respond to Roldan until April 30 when she informed Roldan that VisionQuest was reviewing her return to work documents and would be in touch with her shortly. On May 1, Roldan emailed Ms. Sandoval asking whether she could return to work on Monday May 4.

20. On May 4 and 5, Roldan left voice mails for Ms. Sandoval to further inquire about the status of her returning to work. On May 6, Roldan again emailed Ms. Sandoval. Ms. Sandoval finally responded later that day and told Roldan she had still not heard from the program and as soon as she did she would contact Roldan.

21. Later on approximately May 6, Amberly Shaffer and Julia Hurd, both HR representatives, contacted Roldan. Mss. Shaffer and Hurd informed Roldan that she was being terminated for violating boundary rules by having youths as friends on Facebook. Roldan stated that was not true. She said that she did use her live.com email address for student business, which including helping students find employment.

22. Approximately a week later, just Ms. Shaffer contacted Roldan. Ms. Shaffer told Roldan that she was now being terminated for using her personal email to correspond with the students.

23. Roldan provided her live.com email address to students to use for job references. She did not email back and forth with any students using her live.com email address.

24. For at least 1 ½ years prior to VisionQuest terminating Roldan, Ms. Duff was aware that Roldan used her live.com email address for work purposes. Prior to Roldan taking an FMLA leave of absence from February – April 2015 and requesting a reasonable accommodation upon her return to work in April 2015, neither Ms. Duff nor any other VisionQuest administrative staff who was aware the Roldan used her live.com email address for work purposes questioned Roldan about this or disciplined her for violating policy for doing this.

25. White employees who took a leave of absence and were permitted to return to work with restrictions include Ms. Duff (she took maternity leaves of absence in 2012 and 2014; she had 'no restraint' restrictions for several months after returning from both of her maternity leaves), and Norma (last name unknown)(she is a child care worker who took a sick leave of absence in approximately 2014 and was permitted to return to work on light duty for approximately one month).

26. Roldan is disabled pursuant to the ADAAA because she has physical and/or neurological impairments – back and neck pain - that substantially limit the following major life activities – walking, running, kneeling, bending, lifting, caring for oneself,

performing manual tasks and work. The preceding list of major life activities is not intended to be an exclusive or exhaustive list.

27. Alternatively, Roldan is disabled pursuant to the ADAAA and PHRA because VisionQuest regarded and treated her as disabled and/or she had a record of a disability.

28. Roldan is disabled pursuant to the PHRA because she has a non-job related disability (physical and/or neurological impairments – back and neck pain) that substantially limit the following major life activities – walking, running, kneeling, bending, lifting, caring for oneself, performing manual tasks and work. The preceding list of major life activities is not intended to be an exclusive or exhaustive list.

29. VisionQuest failed to reasonably accommodate Roldan's medical condition.

30. During her tenure at VisionQuest, Roldan satisfactorily performed her job, she received positive performance evaluations and pay raises, and she was named staff of the month in approximately August 2014.

31. VisionQuest terminated Roldan based on disability discrimination (actual disability, record of disability and/or regarded as disabled) and/or race discrimination.

32. Roldan is an "eligible employee" under the FMLA.

33. Roldan was entitled to take up to 12 work weeks of unpaid leave for her own serious health conditions without repercussions pursuant to the FMLA.

34. VisionQuest is an "employer" under the FMLA.

35. Alternatively or additionally to paragraph 31, VisionQuest illegally terminated Roldan in retaliation for asserting her rights under the FMLA and/or for requesting and taking family leave.

36. Roldan has suffered, is now suffering and will continue to suffer emotional distress, embarrassment, humiliation, suffering, inconvenience, mental anguish, and other nonpecuniary losses as a direct result of VisionQuest's unlawful conduct.

37. VisionQuest engaged in discrimination and retaliation against Roldan with malice or reckless indifference to her rights under the ADAAA, Title VII and Section 1981.

V. CLAIMS

**COUNT I – ROLDAN v. VISIONQUEST
FMLA – INTERFERENCE and RETALIATION**

38. Paragraphs 1 through 37 are incorporated by reference as if fully set forth herein.

39. The acts, failures to act and conduct of VisionQuest set forth above constitute interference with Roldan's substantive rights and retaliation against Roldan for exercising her rights under the FMLA.

WHEREFORE, Plaintiff, Roldan, respectfully demands judgment in her favor and against Defendant, VionsQuest, for back pay, front pay in lieu of reinstatement, liquidated damages, interest, attorney's fees and costs (including expert witness fees), and declaratory relief that the conduct engaged in by ViosnQuest violated the FMLA and such other relief as the Court shall deem proper.

**COUNT II – ROLDAN v. VISIONQUEST
DISABILITY DISCRIMINATION - ADAAA and PHRA**

40. Paragraphs 1 through 37 are incorporated by reference as if fully set forth herein.

41. The acts, failures to act, practices and policies of VisionQuest set forth above constitute disability discrimination in violation of the ADAAA and PHRA.

WHEREFORE, Plaintiff, Roldan, respectfully demands judgment in her favor and against Defendant, VisionQuest, for compensatory damages for emotional distress, mental anguish, humiliation and embarrassment, punitive damages (for ADAAA claim only), back pay, front pay, interest, negative tax consequence damages, attorney's fees plus costs, declaratory relief that the conduct engaged in by VisionQuest violated Roldan's civil rights, equitable/injunctive relief directing VisionQuest to cease any and all unlawful disability discrimination against their employees and such other relief as the Court shall deem appropriate.

COUNT III – ROLDAN v. VISIONQUEST
DISABILITY RETALIATION – ADAAA and PHRA

42. Paragraphs 1 through 37 are incorporated by reference as if fully set forth herein.

43. The acts, failures to act, practices and policies of VisionQuest set forth above constitute disability retaliation in violation of the ADAAA and PHRA.

WHEREFORE, Plaintiff, Roldan, respectfully demands judgment in her favor and against Defendant, VisionQuest, for compensatory damages for emotional distress, mental anguish, humiliation and embarrassment, punitive damages (for ADAAA claim only), back pay, front pay, interest, negative tax consequence damages, attorney's fees plus costs, declaratory relief that the conduct engaged in by VisionQuest violated Roldan's civil rights, equitable/injunctive relief directing VisionQuest to cease any and all unlawful disability retaliation against their employees and such other relief as the Court shall deem appropriate.

COUNT IV - ROLDAN v. VISIONQUEST
RACE DISCRIMINATION – Title VII, 42 U.S.C. § 1981 and the PHRA

44. Paragraphs 1 through 37 are incorporated by reference as if fully set forth herein.

45. The acts, failures to act and conduct of VisionQuest set forth above constitute intentional discrimination on the basis of Roldan's race in violation of Title VII, Section 1981 and the PHRA.

WHEREFORE, Plaintiff, Roldan, respectfully demands judgment in her favor and against Defendant, VisionQuest, for back pay and back benefits, front pay and front benefits, compensatory damages, punitive damages, attorney's fees plus costs, interest, negative tax consequence damages, declaratory relief that the conduct engaged in by VisionQuest violated Roldan's civil rights, equitable/injunctive relief directing VisionQuest to cease any and all racially discriminatory conduct against their employees and such other relief as the Court shall deem appropriate.

Respectfully submitted,

By: /s/ Susan K. Pickford
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Respectfully submitted,

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Date: 5/4/17